

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

APR - 9 2003

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY *[Signature]* DEPUTY

**(1) EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)**

Plaintiff,)

v.)

**(1) BURLINGTON COOPERATIVE)
ASSOCIATION,)**

Defendant.)

CASE NO. CIV-02-1059-HE

DOCKETED

CONSENT DECREE

THIS CONSENT DECREE is made and entered into by and between the Equal Employment Opportunity Commission ("EEOC"), and Burlington Cooperative Association ("Burlington Co-op") in the United States District Court for the Western District of Oklahoma, with regard to the EEOC's Complaint in Civil Action No. CIV-02-1059-HE. The Complaint was based upon a charge of discrimination filed by Jesse D. Daughhetee against Burlington Co-op.

The above referenced Complaint alleges that Burlington Co-op violated the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 623(a)(1) by discharging Jesse D. Daughhetee, by forcing him to retire, because of his age, 65. Burlington Co-op denies all of EEOC's allegations against the company.

The EEOC and Burlington Co-op agree to compromise and settle the differences embodied in the Complaint, and intend that the terms and conditions of the compromise and settlement be set forth in this Consent Decree ("Consent Decree").

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds

appropriate, and therefore, it is ORDERED, ADJUDGED AND DECREED that:

1. This Consent Decree resolves all issues raised in EEOC Charge No. 311 A1 0736. This Decree further resolves all issues in the Complaint filed by the EEOC on August 1, 2002. The EEOC waives further claims, litigation and/or appeals on all issues raised in the above referenced charge and Complaint. The EEOC does not waive processing or litigating charges or cases other than the above captioned case and Charge No. 311 A1 0736. There are no charges currently pending against Burlington Cooperative Association.

2. Burlington Co-op agrees that it shall conduct all employment practices in a manner which does not subject any employee to age discrimination in violation of the ADEA. Burlington Co-op further agrees that there shall be no retaliation against any employee because that person has opposed any practice made unlawful under the ADEA, or has filed a charge of discrimination, or has given testimony, assistance, or has participated in any manner in any investigation, proceeding or hearing under the ADEA.

3. For each year that this Consent Decree is in effect, Burlington Co-op agrees to post the Notice appended as Attachment "A" on the employee bulletin board(s) at the Burlington Co-op facility in Oklahoma within ten (10) calendar days of the date of the file stamp of this Consent Decree. Burlington Co-op will report by letter to the EEOC that it has complied with this requirement within ten (10) calendar days after posting the notice.

4. For each year that this Consent Decree is in effect, Burlington Co-op agrees to conduct training for supervisors, managers, and full time employees age forty (40) or over advising them of the requirements and prohibitions of the ADEA. The training will inform the employees of the complaint procedure for individuals who believe they have experienced age discrimination. The

training will also advise employees, including supervisors and managers, of the consequences of violating the ADEA. The training will also include a specific discussion or instruction relating to the issue of mandatory retirement. The training shall be at least one hour in duration. No less than 30 days after the training is conducted, Burlington Co-op agrees to give written notice to the EEOC as to the date and location of the training, the name and job title of the person providing the training, the substance of the training, and the name and job titles of the persons in attendance.

5. Burlington Co-op agrees to pay Mr. Daughhetee the gross sum of \$ 97,000.00 in full and final settlement of the claims asserted in this dispute. Payment shall be made in the form of a negotiable check payable to Mr. Daughhetee. Payment is to be made within 10 days of the file stamp date of this Consent Decree.

6. Burlington Co-op agrees to remove from all of Mr. Daughhetee's personnel files all documents, entries and references relating to: the facts and circumstances which led to the filing of his charge of discrimination; the content of the charge; and any complaint filed by the EEOC or Mr. Daughhetee in federal court based upon his charge.

7. All reports to the EEOC required by this Decree shall be sent to Holly Waldron Cole, Sr. Trial Attorney, EEOC, 210 Park Avenue, Suite 1350, Oklahoma City, OK 73102

8. Neither the EEOC nor Burlington Co-op shall contest the validity of this Consent Decree nor the jurisdiction of the federal district court to enforce this Consent Decree and its terms or the right of either party to the Consent Decree to bring an enforcement action upon breach of any term of this Consent Decree by either such party. Nothing in this Decree shall be construed to preclude the EEOC from enforcing this Decree in the event that Burlington Co-op fails to perform the promises and representations contained herein. The EEOC shall determine whether Burlington

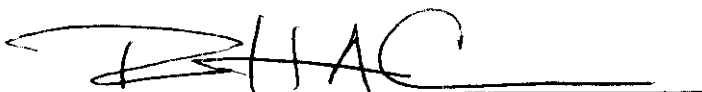
Co-op has complied with the terms of this Consent Decree and shall be authorized to seek compliance with the Consent Decree through civil action in the United States District Court.


9. The term of this Decree shall be for two and one-half (2 and 1/2) years.


SO ORDERED, ADJUDGED AND DECREED this 9th day of April, 2003.


HONORABLE JOE HEATON
U.S. DISTRICT COURT JUDGE


AGREED AS TO FORM AND SUBSTANCE **ENTERED IN JUDGEMENT**
FOR THE PLAINTIFF EEOC: **DOCKET ON**
4-9-03


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FOR DEFENDANT BURLINGTON COOPERATIVE ASSOCIATION:

A handwritten signature in black ink, appearing to read "Douglas L. Jackson", is written over a horizontal line.

DOUGLAS L. JACKSON, OBA #4583

JULIA C. RIEMAN, OBA #15337

GUNGOL, JACKSON COLLINS, BOX & DEVOLL, P.C.

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Burlington Cooperative Association

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Federal law requires that there be no discrimination against any employee or applicant for employment because of the employee's race, color, religion, sex, national origin, age or disability with respect to hiring, firing, promotions, pay raises or other terms, conditions or privileges of employment. Specifically, the law prohibits an employer from discriminating against any employee as to the terms and conditions of employment, including mandatory retirement, simply because the employee is 40 years of age or older. Employers are also required to take immediate remedial and corrective action to end such age discrimination upon an employee's complaint of such treatment. The law also prohibits an employer from retaliating against employees who oppose what they believe to be unlawful employment practices. This Notice is intended to inform employees of their rights under federal law and to prevent acts of age discrimination.

The employee has the right, and is encouraged to exercise the right, to report allegations of discrimination, including age discrimination and retaliation in the workplace. An employee may do so by notifying the Co-op manager, Jim Morford. Employees may also report to any other supervisor or manager with Burlington Co-op.

Any report of such an allegation will be thoroughly investigated, with appropriate disciplinary action taken against any person(s) found to have engaged in discriminatory conduct.

A person either alternatively, or in addition to reporting such an allegation to company officials, may contact the Equal Employment Opportunity Commission for the purposes of filing a charge of employment discrimination. The address and telephone number of the local EEOC office is 210 Park Avenue, Suite 1350, Oklahoma City, OK 73102; (405) 231-4911. Information about your rights and how to file a charge is also available on the Internet at www.eeoc.gov.

Date

Burlington Cooperative Association

THIS NOTICE SHALL REMAIN POSTED UNTIL OCTOBER 31, 2005.